

By: Harris

S.B. No. 916

A BILL TO BE ENTITLED

AN ACT

1
2 relating to exempting certain judicial officers from certain
3 requirements for obtaining or renewing a concealed handgun license
4 and to the authority of certain judicial officers to carry certain
5 weapons.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 411.201(a)(1), Government Code, is
8 amended to read as follows:

9 (1) "Active judicial officer" means:

10 (A) a person serving as a judge or justice of the
11 supreme court, the court of criminal appeals, a court of appeals, a
12 district court, a criminal district court, a constitutional county
13 court, a statutory county court, a justice court, or a municipal
14 court; ~~[or]~~

15 (B) a federal judge who is a resident of this
16 state; or

17 (C) a person appointed and serving as an
18 associate judge under Chapter 201, Family Code.

19 SECTION 2. Section 46.15(a), Penal Code, as amended by
20 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th
21 Legislature, Regular Session, 2007, is reenacted and amended to
22 read as follows:

23 (a) Sections 46.02 and 46.03 do not apply to:

24 (1) peace officers or special investigators under

1 Article 2.122, Code of Criminal Procedure, and neither section
2 prohibits a peace officer or special investigator from carrying a
3 weapon in this state, including in an establishment in this state
4 serving the public, regardless of whether the peace officer or
5 special investigator is engaged in the actual discharge of the
6 officer's or investigator's duties while carrying the weapon;

7 (2) parole officers and neither section prohibits an
8 officer from carrying a weapon in this state if the officer is:

9 (A) engaged in the actual discharge of the
10 officer's duties while carrying the weapon; and

11 (B) in compliance with policies and procedures
12 adopted by the Texas Department of Criminal Justice regarding the
13 possession of a weapon by an officer while on duty;

14 (3) community supervision and corrections department
15 officers appointed or employed under Section 76.004, Government
16 Code, and neither section prohibits an officer from carrying a
17 weapon in this state if the officer is:

18 (A) engaged in the actual discharge of the
19 officer's duties while carrying the weapon; and

20 (B) authorized to carry a weapon under Section
21 76.0051, Government Code;

22 (4) an active judicial officer as defined by Section
23 411.201, Government Code, [~~a judge or justice of a federal court,~~
24 ~~the supreme court, the court of criminal appeals, a court of~~
25 ~~appeals, a district court, a criminal district court, a~~
26 ~~constitutional county court, a statutory county court, a justice~~
27 ~~court, or a municipal court]~~ who is licensed to carry a concealed

1 handgun under Subchapter H, Chapter 411, Government Code;

2 (5) an honorably retired peace officer or federal
3 criminal investigator who holds a certificate of proficiency issued
4 under Section 1701.357, Occupations Code, and is carrying a photo
5 identification that:

6 (A) verifies that the officer honorably retired
7 after not less than 15 years of service as a commissioned officer;
8 and

9 (B) is issued by a state or local law enforcement
10 agency;

11 (6) a district attorney, criminal district attorney,
12 county attorney, or municipal attorney who is licensed to carry a
13 concealed handgun under Subchapter H, Chapter 411, Government Code;
14 [~~or~~]

15 (7) an assistant district attorney, assistant
16 criminal district attorney, or assistant county attorney who is
17 licensed to carry a concealed handgun under Subchapter H, Chapter
18 411, Government Code; or

19 (8) [~~(7)~~] a bailiff designated by an active judicial
20 officer as defined by Section 411.201, Government Code, who is:

21 (A) licensed to carry a concealed handgun under
22 Chapter 411, Government Code; and

23 (B) engaged in escorting the judicial officer.

24 SECTION 3. (a) To the extent of any conflict, this Act
25 prevails over another Act of the 81st Legislature, Regular Session,
26 2009, relating to nonsubstantive additions to and corrections in
27 enacted codes.

1 (b) The change in law made by this Act applies only to an
2 offense committed on or after the effective date of this Act. An
3 offense committed before the effective date of this Act is covered
4 by the law in effect when the offense was committed, and the former
5 law is continued in effect for that purpose. For purposes of this
6 section, an offense was committed before the effective date of this
7 Act if any element of the offense was committed before that date.

8 SECTION 4. This Act takes effect September 1, 2009.